

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 96-41

September 5, 1996

RE: Is rental of car from agency owned by employee's father allowable?

DECISION: No.

This opinion is in response to your August 14, 1996, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 5, 1996, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. An employee of your agency was on official business when the state motor pool vehicle she was using broke down. The employee leased a vehicle for three days from a car rental agency at a total charge of \$90. The rental agency is owned by the father of the employee. The employee did not have prior approval from your agency for such action. You ask whether, in this situation, the rental of a car from a relative is allowable under KRS Chapter 11A.

KRS 11A.040(3) provides:

(3) No public servant shall knowingly act as a representative or agent for the Commonwealth or any agency in the transaction of any business with himself, or with any business in which he or a member of his family has any interest greater than five percent (5%) of the total value thereof.

By securing a rental car for state purposes to be paid with state funds from an entity which is owned, in part, by her father, the employee was acting as a representative of the Commonwealth in the transaction of business with a family member. Therefore, if payment is made to reimburse the employee, she will be in violation of the provision above.

EXECUTIVE BRANCH ETHICS COMMISSION

BY: Ruth H. Baxter, Chair